

helps to make it more efficient, provides more flexibility and gives the States more of a chance to decide where their dollars ought to go. I think that is very important.

Again, I thank Senators WARNER, CHAFEE and BAUCUS. They have worked very hard through this time.

Senator BAUCUS, Senator KEMPTHORNE, and I introduced an ISTE A II reauthorization bill. We called it STARS 2000. It was a shining example of what we ought to do. That was earlier this year. I thank them and their staffs for putting it together. Then Senator CHAFEE used that as one of the alternatives, we came together with a bill that I think is top-notch and one that I think we should move forward with as soon as possible.

There are some complications, of course. And they have been going on for years. One of them is the idea of using Federal funds to require that States behave in certain ways in order to get their money. We will be talking about that. I suppose in a number of areas—one of them will have to do with drunk driving, having to do with alcohol content. No one is for drunk driving. Everyone wants to do everything they can to put a cap on that, eliminate it, if possible. But I have to tell you, Madam President, that I find it very difficult to explain why the Federal Government has to tell the States how to do these various things.

I happen to have been in the Wyoming legislature. Most of us here have been in our State legislatures. I think legislatures are perfectly capable of deciding what those kinds of things ought to be, whether it is motorcycle helmets or speed limits or drunk driving, alcohol content.

It seems to me those are the kinds of things that States really ought to do. And I can tell you that folks resent very much the idea of using what they call "blackmail" in terms of Federal money to do that. So I hope we can avoid that. I hope we can be for all the things we ought to be for. But the idea of us deciding here seems to me to be inappropriate.

So I really am pleased that we are moving, and I am glad the leader has brought this forward. Certainly, much of that is a result of the efforts made by the Senators from Texas and West Virginia as they pushed very hard to do this.

ISTEA II maintains the integrity of the ISTE A law. It improves it by more equitable investment of user fees. It ensures that people can cross the country with goods and services. And "bridge" States are involved as well. It increases flexibility.

Again, obviously, nothing is perfect. A bill of this kind is never totally suitable to everyone. But that is the way it is. That is what we are here for. That is why we have a system of deciding and voting—so that we can come up, by a majority vote, to the thing that we think best serves this country and serves it on the intermodal surface transportation.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from Wyoming very much for his kind comments on the work we have done. The Senator from Wyoming is a very valuable member of the Environment and Public Works Committee. He has worked with us. As he pointed out, he had one of the major bills that went into the final amalgamation we had here—the STAR bill. And he had deep concerns, as he has outlined here, in certain particular areas. I am glad that we were able to take care of those areas.

Indeed, when we meet tomorrow, I believe we will be, as I pointed out to the Senate a little earlier, able to do even better in some of those particular areas he is concerned with. So our committee will be meeting tomorrow at 9:30. And I look forward to working with the Senator from Wyoming as we proceed with an amendment incorporating some of the provisions that have come about as a result of the additional money that has come forward just in the last—well, just agreed to earlier this afternoon. So, again, I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

The clerk will report.

The assistant legislative clerk read the nomination of Richard L. Young, of Indiana, to be U.S. District Judge for the Southern District of Indiana.

The PRESIDING OFFICER. Debate on the nomination is limited to 10 minutes, equally divided in the usual form.

Mr. LEAHY. Mr. President, I know that the Senate will, very soon, go to a vote on another judge. It is March. For those who are keeping track, that makes the sixth judge confirmed this year in the third month. Let me see, three into six, as I recall, goes twice. So that's two judges a month. I don't want to strain the capabilities of the

U.S. Senate, but there are 85 vacancies. There are 85 vacancies and now, in March, we will confirm the sixth Federal judge.

Justice denied is justice lost.

We are not seeing our responsibility to the Federal judiciary. As long as the Senate maintains a stall on the confirmation of Federal judges, we are not being responsible, we are not even upholding our oath of office. I commend the distinguished chairman of the Senate Judiciary Committee for getting another judge here to be confirmed. I ask the Senate to remember that we have responsibilities to the Constitution, and we have a responsibility to the integrity and independence of the third branch of Government. We are not fulfilling it.

Mr. President, I am going to withhold the rest of my time because the distinguished chairman is not here.

I ask unanimous consent that the Senate be allowed to withhold its time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, with the time not charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. It is my understanding, Mr. President, that the ranking member of the committee would like to make some comments. I suggest he proceed.

Mr. LEAHY. Mr. President, how much time is there for the Senator from Vermont?

The PRESIDING OFFICER. Each side has 5 minutes.

Mr. LEAHY. I certainly won't take any more than that.

Mr. CHAFEE. I suggest then that the Senator have 5 minutes, and then, if a Member from this side wishes 5 minutes thereafter, we will face that problem then. So why don't we have 5 minutes for the Senator from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that I am taking 5 minutes that was there for me in any event. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I am delighted that the Senate has decided to take up the nomination of Richard L. Young to the U.S. District Court for the Southern District of Indiana.

This is one of seven judicial nominations that is currently pending before the Senate. I spoke a little earlier this afternoon about this.

I want to note that, unfortunately, the Senate continues to pass over the

nominations of G. Patrick Murphy for a vacancy on the Federal bench of the Southern District of Illinois and Michael P. McCluskey for a judicial emergency vacancy on the Federal bench for the Central District of Illinois.

Nor is the Senate today taking action on the nomination of Edward Shea to the Federal bench for the Eastern District of Washington, Judge Jeremy Fogel to the judicial emergency vacancy on the Federal bench for the Northern District of California or Margaret McKeown to a judicial emergency vacancy on the U.S. Court of Appeals for the Ninth Circuit.

Judge Young has been with the Vandenberg Circuit Court of Indiana since 1990. After Senator LUGAR came to the Judiciary Committee to testify in his behalf, Judge Young was reported by the Committee without a single dissenting vote. The American Bar Association gave Judge Young its highest rating.

I believe there will be a unanimous vote in support of this nomination and want to congratulate him and his family.

The Senate returns this week facing 85 Federal court vacancies—85. Despite the Senate's dismal record for 2 years running in acting on judicial nominations, I finally saw reason to hope that the extremism that has bedeviled this process might be losing a tiny bit—a tiny bit—of its hold on the Senate.

Few nominees have been targeted as heavily for defeat as was Margaret Morrow, a superbly qualified nominee for a district court judgeship in Southern California. She endured waves of questions, protracted stalling and mysterious holds that prevented an up-or-down vote. Finally, 2 years after she was nominated, she got an overwhelming, super majority, positive vote here in the Senate. I wanted to take that as a signal that public concerns about these logjams were beginning to register with the Senate.

But, unfortunately, that nomination was the last nomination confirmed by the Senate in February. We closed out our first 2 months this year with only five confirmations for article III judges.

Chief Justice William Rehnquist spoke forcefully on the judicial vacancy crisis that is plaguing the Federal courts. He warned: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal judiciary."

Justice delayed means justice denied, because without judges courts cannot try cases, sentence the guilty or resolve civil disputes. Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and to shut down the judiciary must stop.

We began this year facing vacancies in about one out of every 10 judgeships, and about one-third were judicial emergency vacancies which have been empty for more than a year and a half.

Mr. President, if all we are going to do so far is two judges a month, and we have 85 vacancies, the Senate is not living up to its responsibilities. The Senate is not upholding the Constitution of the United States and not fulfilling our responsibilities to the judicial branch or the American people.

The first week of this session I challenged the Senate to maintain the pace that it reached last fall when we confirmed 27 judges in the last nine weeks of the session. In the first four weeks of this new session, however, we have acted to confirm only five judges. Judge Young will be the sixth judge confirmed in this our fifth week in session. We are well short of the mark and not measuring up to the pace this very Senate attained last fall. I, therefore, urge the Majority Leader to take up the nominations of G. Patrick Murphy, Michael P. McCluskey, Edward F. Shea, Jeremy D. Fogel and M. Margaret McKeown without further delay.

Mr. President, I withhold my time remaining, and, if we are ready to go for a vote, I will yield it.

Mr. CHAFEE. Mr. President, we have time on this side. I am prepared to yield all that time and go to a vote.

Mr. LEAHY. I yield time on this side.

The PRESIDING OFFICER. All time is yielded. The question is, Will the Senate advise and consent to the nomination of Richard L. Young to be United States District Judge for the Southern District of Indiana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—81

| | | |
|---------|----------|----------|
| Abraham | Allard | Baucus |
| Akaka | Ashcroft | Bingaman |

| | | |
|-----------|------------|-------------|
| Bond | Glenn | Lugar |
| Breaux | Gorton | Mack |
| Brownback | Graham | McCain |
| Bryan | Gramm | McConnell |
| Bumpers | Grams | Moynihan |
| Burns | Grassley | Murray |
| Byrd | Gregg | Reed |
| Campbell | Hagel | Reid |
| Chafee | Harkin | Robb |
| Coats | Hatch | Roberts |
| Cochran | Hollings | Rockefeller |
| Collins | Hutchinson | Roth |
| Conrad | Hutchison | Santorum |
| Coverdell | Inouye | Sarbanes |
| Craig | Jeffords | Sessions |
| Daschle | Johnson | Smith (NH) |
| DeWine | Kempthorne | Smith (OR) |
| Dodd | Kennedy | Specter |
| Domenici | Kohl | Stevens |
| Durbin | Kyl | Thomas |
| Enzi | Lautenberg | Thompson |
| Feingold | Leahy | Thurmond |
| Feinstein | Levin | Torricelli |
| Ford | Lieberman | Wellstone |
| Frist | Lott | Wyden |

NOT VOTING—19

| | | |
|-----------|---------------|-----------|
| Bennett | Helms | Murkowski |
| Biden | Inhofe | Nickles |
| Boxer | Kerrey | Shelby |
| Cleland | Kerry | Snowe |
| D'Amato | Landrieu | Warner |
| Dorgan | Mikulski | |
| Faircloth | Moseley-Braun | |

The nomination was confirmed.

The PRESIDING OFFICER. If there is no objection, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SAFE PLACE WEEK

Mr. CRAIG. Mr. President, I would like to take this opportunity to commend my colleagues on adopting Senate Resolution 96, which designates March 15 through 21 of this year as "National Safe Place Week."

Project Safe Place is a unique union of community agencies and the private sector that promotes the well-being of our nation's youth. It is an innovative network of nonresidential community locations where youth who are at-risk or in crisis situations can obtain help quickly and find shelter if necessary. Safe Place cultivates community involvement to combat child abuse, substance addiction, and crime.

Since its creation in 1983 in Louisville, Kentucky, the scope of Project Safe Place has spread to include more than 8,000 Safe Places nationwide, and more than 27,000 young people have sought help at these locations. We all agree that our nation's youth are our most valuable resource. Project Safe